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January 2, 2008

VIA FACSIMILE

MEMO ENDORSED

The Honorable Stephen C. Robinson
United States District Judge
United States District Court for the Southern District of New York
300 Quarropas Street, Room 633
White Plains, NY 10601Re: *McCormack and Co., Inc. v. Kari-Out Club, LLC, t/a Kari-Out Co., v. Perk Up, Inc., s/h/a Kari Out Club, LLC, t/a Kari-Out Co., v. Shambaugh & Son, LP*
United States District Court, Southern District of New York
Case No: 07-Civ 7244 (SCR)
Our File No.: 470.0567160

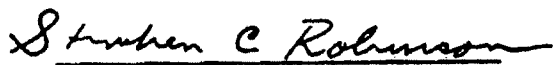
Dear Judge Robinson,

We represent Third-Party Defendant Shambaugh & Son, LP in the above-referenced matter. On January 27, 2007, we faxed a letter to your chambers in which we enclosed a fully executed stipulation extending the time for our client to appear and answer, move or otherwise act with respect to the Third-Party Summons and Complaint in this matter. Please note that while the letter indicated that the date was extended through and including February 6, 2008, the letter should have referenced January 28, 2008 as being said date, which is the date provided for in the enclosed stipulation. We apologize for any confusion that this may have caused.

Thank you for your courtesy and assistance in this regards.

APPLICATION GRANTED

Very truly yours,



HON. STEPHEN C. ROBINSON

1/7/08

LONDON FISCHER LLP



Benjamin L. Schiffman

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EnclosureUSDC SDNY
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cc:

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Third-party defendant
may appear and answer,
move or otherwise act
through 1/28/08.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
McCORMICK & CO., INC.,

Plaintiff,

Case No.: 07-CV-7244 (SCR)

-against-

STIPULATION
EXTENDING TIME

KARI-OUT CLUB, LLC, v/a KARI-OUT CO.,

Defendant

-----X
PERK UP, INC., s/h/a KARI-OUT CLUB, LLC,
v/a KARI-OUT CO.,

Third Party Plaintiff,

-against-

SHAMBAUGH & SON, LP,

Third Party Defendant.

-----X
IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the third-party plaintiff and for the third-party defendant in the above entitled action, that the time within which third-party defendant may appear and answer, move or otherwise act with respect to the Third-Party Summons and Complaint is extended through and including January 28, 2008.

Dated: New York, New York
December 21, 2007

LONDON FISCHER LLP

By: 

Gregg D. Minkin

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SO ORDERED: